

Summary of GR v. IBRD, Decision No. 671 [2022]

The Applicant, a former Country Manager, challenged the determination by the Vice President, Human Resources Development (HRDVP) that there was sufficient evidence to support a finding that she committed misconduct in violation of Staff Rule 3.00, paragraphs 6.01(a), (b), (c), and (e), and Principle 3.1(c) of the Principles of Staff Employment – and the imposition of disciplinary measures against her.

The Tribunal followed its well-established scope of review in disciplinary cases. The Tribunal first considered the existence of the facts and whether they amounted to misconduct. In view of the Applicant's admissions, in addition to the testimonial and documentary evidence in the record, the Tribunal was satisfied that the Bank met its burden of proof in showing that there was "substantial" evidence to support the HRDVP's finding of misconduct.

The Tribunal next considered whether the sanctions imposed were significantly disproportionate to the offense. The Tribunal noted that the disciplinary measures imposed on the Applicant were (i) a demotion from a managerial GH-level position to a technical GH-level position, (ii) a reduction in pay equivalent to her salary increase for Fiscal Year 2018, and (iii) a written censure, in the form of the HRDVP disciplinary letter, to remain in the Applicant's HR record for three years. The Tribunal, observing the "nature and persistence" of the misconduct in question, noted that it found no reason in the record to hold that the HRDVP's decision was unreasonable, nor did it find any other grounds upon which the imposed sanctions should have been set aside. Accordingly, the Tribunal found that the sanctions imposed on the Applicant were not disproportionate to the offense.

Finally, the Tribunal considered whether the requirements of due process were observed. Based on the evidence in the record, the Tribunal found that (i) the investigation and Final Report by the Ethics and Business Conduct Department (EBC) were in accord with the Tribunal's jurisprudence regarding due process and the sufficiency of EBC's investigations, (ii) EBC's decision not to make three transcripts from a previously closed EBC case available to the Applicant did not violate the Applicant's due process rights, and (iii) the Applicant's conduct during her tenure as Country Manager demonstrated that she engaged in harassment as defined by the Bank, including in its World Bank Group Guidance on Anti-Harassment. In sum, the Tribunal found that the Bank did not violate the Applicant's due process rights.

Decision: The Application was dismissed.